

Appl. No. 10/756,164
Amendment dated March 2, 2006
Reply to Office Action mailed December 29, 2005

BEST AVAILABLE COPY

REMARKS/ARGUMENTS

REMARKS

Claims 1-19 and 22-23 are pending in this application. Claims 22-23 have been rewritten into independent form. The Examiner has indicated the allowability of each of claims 1-19 and 22-23, as rewritten. Claims 20-21 and 24-31 have been canceled rendering their rejection moot.

**COMMENTS REGARDING THE EXAMINER'S STATEMENT OF
REASONS FOR ALLOWANCE**

With regard to Claims 1-19, the Examiner's Reasons for Allowance indicate that the prior art fail to disclose or render obvious an ultraviolet radiation source configured to provide trans-radiation and direct radiation, an upper and lower UV radiation sources, and radiating from above and below the gemstone under test.

Claim 1 does recite an ultraviolet radiation source configured to provide trans-radiation and direct radiation. However, Claims 1-2 neither recite, nor require, an upper and lower UV radiation sources, nor radiating from above and below the gemstone under test. In addition, claims 3-9 do not recite, nor require, radiating from above and below the gemstone under test.

Claim 10 does recite an upper and lower UV radiation sources. However, Claim 10 neither recites, nor requires, an ultraviolet radiation source configured to provide trans-radiation and direct radiation, nor radiating from above and below the gemstone under test. In addition, claims 11-15 do not recite, nor require, radiating from above and below the gemstone under test, and claims 12-15 also do not recite, nor require, an ultraviolet radiation source configured to provide trans-radiation and direct radiation.

Page 6 of 7

SF\3124787.1
353397-165920

Appl. No. 10/756,164
Amendment dated March 2, 2006
Reply to Office Action mailed December 29, 2005

BEST AVAILABLE COPY

Claim 16 does recite radiating from above and below the gemstone under test. However, Claims 16 and 18-19 do not recite, nor require, an ultraviolet radiation source configured to provide trans-radiation and direct radiation.

With regard to Claims 22-23, the Examiner's Reasons for Allowance indicate that the prior art fail to disclose or render obvious a fluorescence measuring device wherein the UV radiation source comprises a plurality of upper and lower LEDs emitting on an axis towards each other. It is respectfully submitted that claims 22-23 do recite a plurality of LEDs. However, the plurality of LEDs include an upper LED and a lower LED, but not necessarily a plurality of upper LEDs nor a plurality of lower LEDs. Thus, the fluorescence measuring device of claims 22-23 includes one or more upper LEDs and one or more lower LEDs.


The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARY US LLP

Dated: March 2, 2006

By


Andrew V. Smith
Reg. No. 43,132
Attorney for Applicant

DLA PIPER RUDNICK GRAY CARY US LLP
153 Townsend Street, Suite 800
San Francisco, CA 94107
Telephone: 415-836-2522
Facsimile: 415-836-2501

Customer No.: 29585

Page 7 of 7

SF3124787.1
353397-165920

Appl. No. 10/756,164
Amendment dated March 2, 2006
Reply to Office Action mailed December 29, 2005

BEST AVAILABLE COPY

Claim 16 does recite radiating from above and below the gemstone under test. However, Claims 16 and 18-19 do not recite, nor require, an ultraviolet radiation source configured to provide trans-radiation and direct radiation.

With regard to Claims 22-23, the Examiner's Reasons for Allowance indicate that the prior art fail to disclose or render obvious a fluorescence measuring device wherein the UV radiation source comprises a plurality of upper and lower LEDs emitting on an axis towards each other. It is respectfully submitted that claims 22-23 do recite a plurality of LEDs. However, the plurality of LEDs include an upper LED and a lower LED, but not necessarily a plurality of upper LEDs nor a plurality of lower LEDs. Thus, the fluorescence measuring device of claims 22-23 includes one or more upper LEDs and one or more lower LEDs.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.


COPY

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARY US LLP

Dated: March 2, 2006

By


Andrew V. Smith
Reg. No. 43,132
Attorney for Applicant

DLA PIPER RUDNICK GRAY CARY US LLP
153 Townsend Street, Suite 800
San Francisco, CA 94107
Telephone: 415-836-2522
Facsimile: 415-836-2501

Customer No.: 29585

Page 7 of 7

SF3124787.1
353397-165920